

1 GALTON & HELM LLP  
MICHAEL B. BERNACCHI, State Bar No. 163657  
2 500 South Grand Avenue, Suite 1200  
Los Angeles, California 90071-2624  
3 Telephone: (213) 629-8800  
Facsimile: (213) 629-0037  
4 Attorneys for HARTFORD LIFE INSURANCE COMPANY  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
10

11 JOANNE LECZNAR,

12 Plaintiff,

13 vs.

14 E.F. HUTTON & COMPANY, INC.  
AND DESIGNATED AFFILIATES'  
15 GROUP LTD EMPLOYEES  
BENEFITS PLAN; E.F. HUTTON &  
16 COMPANY, INC. AND  
DESIGNATED AFFILIATES' GROUP  
17 LIFE INSURANCE PLAN,

18 Defendant.  
19

CASE NO. 1:05 CV 143 DWW (LJo)

**STIPULATION AND ORDER  
TERMINATING ACTION**

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 5232 / 87865.1

COMES NOW, Defendant E.F. Hutton & Company and Designated Affiliates' Long Term Disability Employees Benefits Plan (the "LTD Plan") and Plaintiff Joanne Lecznar ("Plaintiff") by and through their respective counsel and stipulate as follows:

1. WHEREAS, Plaintiff became disabled from her employment at E.F. Hutton and Company in or around 1982 due to a diagnosis of relapsing and remitting multiple sclerosis.

2. WHEREAS, Plaintiff submitted a claim under the LTD Plan and was paid disability benefits by the LTD Plan from 1982 through 2003.

3. WHEREAS, Plaintiff's claim was terminated by the LTD Plan or about March 5, 2003 and as a result of said termination of benefits, plaintiff filed the present lawsuit.

4. WHEREAS, the parties now wish to settle this lawsuit by stipulating and agreeing as follows:

A. Defendant agrees to reinstate Plaintiff's disability benefits under the LTD Plan and pay all back benefits due to her under the LTD Plan from February 28, 2003 through September 28, 2005 (plus interest) on the basis that she has met the requirements for disability under the terms of the LTD Plan;

B. Plaintiff's claim will be remanded back to the LTD Plan's administrator (Hartford Life Insurance Company) for processing and she will be paid future LTD benefits so long as she remains eligible under the terms of the LTD

Plan and the Employee Retirement Income Security Act of 1974 ("ERISA"); and,

C. Each side to bear its own costs and attorneys' fees in this action.

DATED: \_\_\_\_\_, 2005 ROBERT J. ROSATI, ATTORNEY AT LAW

By: /S/ Robert J. Rosati  
ROBERT J. ROSATI  
Attorneys for Plaintiff JOANNE LECZNAR

DATED: \_\_\_\_\_, 2005 GALTON & HELM LLP  
MICHAEL B. BERNACCHI

By: /S/ Michael B. Bernachi  
MICHAEL B. BERNACCHI  
Attorneys for HARTFORD LIFE  
INSURANCE COMPANY

### **O R D E R**

Good cause appearing, IT IS ORDERED that:

1. Defendant reinstate Plaintiff's disability benefits under the LTD Plan and pay all back benefits due to her under the LTD Plan from February 28, 2003 through September 28, 2005 (plus interest) on the basis that she has met the requirements for disability under the terms of the LTD Plan;

2. Plaintiff's claim for future LTD benefits under ERISA will be remanded back to the LTD Plan's administrator (Hartford Life and Accident Insurance Company) and she will be paid future LTD benefits so long as she

1 remains eligible under the terms of the LTD Plan and the Employee Retirement  
2 Income Security Act of 1974 ("ERISA"); and,

3  
4 3. Each side to bear its own costs and attorneys' fees in this action.

5  
6 4. The Judgment attached to this stipulation as Exhibit "A" will be entered  
7 by the Clerk forthwith.

8  
9 DATED: October 25, 2005\_\_\_\_\_/s/ OLIVER W. WANGER  
10 United States District Court Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
GALTON & HELM LLP  
500 SOUTH GRAND AVENUE, SUITE 1200  
LOS ANGELES, CALIFORNIA 90071-2624  
TELEPHONE: (213) 629-8800